

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:

BRIAN E. LYNCH and
RITA VERNELL LYNCH,

Debtors.

Case No. 08-53058-MBM
Chapter 13
Honorable MARCI B. McIVOR

**DEBTORS' OBJECTION TO CLAIM NO. 1 OF PRA RECEIVABLES MANAGEMENT,
LLC, AS AGENT OF PORTFOLIO RECOVERY ASSOCS.**

NOW COME Debtors BRIAN and RITA LYNCH, by and through their counsel, KAREN E. EVANGELISTA, P.C., and hereby object to Claim No. 1 of Pra Receivables Management, LLC, as agent of PORTFOLIO RECOVERY ASSOCS., and in support thereof, state as follows:

1. Debtors Brian and Rita Lynch filed a Chapter 13 proceeding with this Honorable Court on or about May 29, 2008.
2. Creditors were given until October 6, 2008 in which to file claims.
3. Claimant Pra Receivables Management, LLC, as agent of Portfolio Recovery Assocs. filed Claim No. 1 on or about June 4, 2008 in the amount of \$22,800.00.
4. Attached to the claim is a document entitled "Supplemental Account Summary". This document purports to provide information regarding the alleged amount owed to Wells Fargo Bank, N.A. in the amount of \$22,800.00.
5. This claim was filed as an unsecured claim but the claim filed provides no other information.

6. The Debtors are not aware of any unsecured indebtedness owed to Wells Fargo in the aforementioned amounts. Because there is no additional documentation to the claim, the Debtors are unable to determine the validity of this claim.

7. While the Debtors admit owing an unsecured claim to Wells Fargo in the approximate amount of \$6,776.00, that indebtedness is in the name of Brian Lynch and does not in any way match or comport to the aforementioned claim.

WHEREFORE, Debtors pray this Honorable Court disallow Claim No. 1 of Pra Receivables Management, LLC, as agent of Portfolio Recovery Assocs., and award the Debtors such other and further relief as this Court deems just.

Respectfully submitted:

KAREN E. EVANGELISTA, P.C.

/s/ Karen E. Evangelista (P36144)
Attorney for Debtors
903 North Opdyke, Suite A2
Auburn Hills, MI 48326
(248) 276-1880
denise_ly@sbcglobal.net

Dated: September 23, 2008

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN THE MATTER OF:

BRIAN E. LYNCH and
RITA VERNELL LYNCH,

Debtors.

Case No. 08-53058-MBM
Chapter 13
Honorable MARCI B. McIVOR

**ORDER SUSTAINING DEBTOR'S OBJECTION TO CLAIM NO. 1 OF PRA RECEIVABLES
MANAGEMENT, LLC, AS AGENT OF PORTFOLIO RECOVERY ASSOCS.**

The Debtors having filed an Objection to Claim No. 1 of Pra Receivables Management, LLC, as agent of Portfolio Recovery Assocs.; no response having been filed thereto; and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that Claim No. 1 of Pra Receivables Management, LLC, as agent of Portfolio Recovery Assocs. in the amount of \$22,800.00 is **disallowed**.

IT IS FURTHER ORDERED that the objection to the Proof of Claim filed by the above-referenced creditor is hereby granted. To the extent that the Chapter 13 Standing Trustee has previously made disbursement to such creditor, the Trustee shall not be obligated to recoup the same.

EXHIBIT "A"

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN THE MATTER OF:

BRIAN E. LYNCH and
RITA VERNELL LYNCH,

Debtors.

Case No. 08-53058-MBM
Chapter 13
Honorable MARCI B. McIVOR

NOTICE OF HEARING AND OPPORTUNITY TO RESPOND TO OBJECTION TO CLAIM

Debtors BRIAN and RITA LYNCH, by and through their attorney, KAREN E. EVANGELISTA, P.C., have filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the Court to deny or change your claim, then on or before **October 20, 2008**, you or your lawyer must:

1. File with the Court a written response to the Objection explaining your position, at¹:

U.S. Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above.

You must also mail a copy to:

Karen E. Evangelista, Esq., Attorney for Debtor, 903 North Opdyke, Suite A2, Auburn Hills, MI 48326;
David Wm. Ruskin, Chapter 13 Trustee, 1100 Travelers Tower, 26555 Evergreen Road, Southfield, MI 48076; and
Mr. and Mrs. Brian Lynch, Debtors, 6196 Hickory Ridge Ct., Ypsilanti, MI 48197.

2. **Attend the hearing on the Objection scheduled to be held on October 30, 2008 at 10:00 a.m.**, in Courtroom 1875, United States Bankruptcy Court, 211 W. Fort Street, Detroit, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference).

If you or your attorney does not take these steps, the Court may decide that you do not oppose the Objection to your Claim, in which event the hearing will be canceled, and the Objection sustained.

Respectfully submitted:

KAREN E. EVANGELISTA, P.C.

/s/ Karen E. Evangelista (P36144)
Attorney for Debtors
903 North Opdyke, Suite A2
Auburn Hills, MI 48326
(248)276-1880
denise_ly@sbcglobal.net

Dated: September 23, 2008

¹ Response or answer must comply with F.R.Civ.P.8(b), (c) and (e).